

REMARKS

In the Office Action mailed January 23, 2009 the Office noted that claims 15-18 were pending and rejected claims 15-18. Claim 15 has been amended, no claims have been canceled, and, thus, in view of the foregoing, claims 15-18 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections and objections are traversed below.

REJECTIONS under 35 U.S.C. § 103

Claims 15-18 stand rejected under 35 U.S.C. § 103(a) as being obvious over Lee, U.S. Patent Publication No. 2004/0125738 in view of Narumi, U.S. Patent Publication No. 2003/0185121. The Applicants respectfully disagree and traverse the rejection with an argument and amendment.

Lee discusses a dedicated-reproducing area having a disc-related information zone, and a rewritable area is provided in at least one of the lead-in and lead-out areas of the optical disc.

Narumi discusses an optical information recording medium including a first information recording layer on which information is recorded by laser light; and a second information recording layer on which information is recorded by the laser light which has passed through the first information recording layer.

The Applicants have amended claim 15 to further recite "said first recording layer has a first space area in which the first record information and the first test-write information are not recorded, which faces the second test writing area, said second recording layer has a second space area, in which the second record information and the second test-write information are not recorded, which faces the first test writing area." Support for the amendment may be found, for example, in Fig. 5 in which (i) the LU layer (one example of the "first recording layer") has the un-recordable area 101U-1 (one example of the "first space area") which faces the power calibration area 101P-2 (one example of the "second test writing area") and (ii) the Li layer (one example of the "second recording layer") has the un-recordable area 101U-2 (one example of the "second space area") which faces the power calibration area 101P-1 (one example of the "first test writing area"). The Applicants submit that no new matter has been added by the amendment of claim 15.

Lee and Narumi do not disclose two novel features of claim 15 such that (i) "the first recording layer has a first space area, in which the first record information and the first test-write information are not recorded, which faces the second test writing area" and (ii) "the second recording layer has a second space area, in which the second record information and the second test-write information are not recorded, which faces the first test writing area".

More specifically, Lee merely discloses that the test zone in the first recording layer 10 and the test zone in the second recording layer 11 are on the same radial position (see Fig. 4 of Lee). Therefore, it cannot be said that Lee discloses, teaches or suggests that the test zone in the first recording layer 10 faces the unrecorded area in the second recording layer 11 and that the test zone in the second recording layer 11 faces the unrecorded area in the first recording layer 10.

Similarly, Narumi merely discloses that the area in the first information recording layer 120 which faces the second test recording area (TEST) 136 is first test recording area (TEST) 126, first data recording area (DATA) 128 (see Figs. 3, 4, 6-8, 10 and 13 in Narumi) or the first reproduction-only area (ROM) 1122 (see Figs. 3, 4, 6-8 10 and 14 in Narumi). Thus, Narumi does not disclose the novel feature of claim 15 such that "the first recording layer has a first space area which faces the second test writing area." In addition, Narumi merely discloses that the area in the second information recording layer 130 which faces the first test recording area (TEST) 126 is second test recording area (TEST) 136, second data recording area (DATA) 138 or the first reproduction-only area (ROM) 132. Thus, Narumi does not disclose the novel feature of claim 15 such that "the second recording layer has a second space area which faces the first test writing area."

For at least the reasons discussed above, Lee and

Narumi, taken separately or in combination, fail to render obvious the features of claim 15 and the claims dependent therefrom.

Withdrawal of the rejections is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 103. It is also submitted that claims 15-18 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/James J. Livingston, Jr./
James J. Livingston, Jr.
Reg. No. 55,394
209 Madison St, Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

JJL/lrs